

REMARKS

The Amendment:

Claim 1 has been amended in accordance with the examiner's recommendations to avoid indefiniteness under 35 USC § 112, second paragraph..

The Rejection:

Claims 1, 2, 6-8 and 16-19 were rejected under 35 USC §112, first paragraph for failing to comply with the written description. In the rejection, the examiner noted that the recitation in the amended claims that: ““all said successive coats [have] melting temperatures less than the molding temperature’ appears to be ‘new matter’ ...”

This Request for Reconsideration:

Applicants request reconsideration of the rejection, as it is believed that the above-noted recitation in the claims is adequately supported in the specification. The apparent lack of support in the specification may have been caused by applicants' failure to identify specific support for this recitation in the last response.

The “successive” coats comprise the indicia coat (page 4, line 3), the top coat (page 6, line 6), and an optional backing coat (page 6, line 31). The specification contains the following statement regarding the melting temperatures of these coats:

The temperature at which the coats change from a solid to liquid should be less than the molding temperature ... (page 7, lines 21-22).

Since there is no limitation that “the coats” means something less than all the coats, one skilled in the art would obviously conclude that “the coats” indeed means “all” the coats.

Support for the conclusion that the melting point of the indicia coat is less than the molding temperature can also be found by a comparison of the specific melting temperatures disclosed for the wax of the indicia coat to the molding

temperature. Since the wax is the carrier or vehicle for the indicia material, the melting temperature of the indicia coat is that of the carrier wax. A comparison of the relevant temperatures can be made from the temperatures located at the following instances:

The molding temperature is disclosed at page 7, lines 30-31 as being from 350 degrees to 500 degrees F. The “very suitable” wax used in the indicia coat is disclosed to have a melting temperature from 90 to 300 degrees F. on page 6, lines 20-21. Thus, even the highest melting point wax (300°F.) will melt below the lowest disclosed molding temperature (350°F.).

The wax used for the indicia coat in the Example is a mixture of a synthetic wax having a transition temperature of 130-170 degrees F.; see page 9, lines 16-17. The “transition” temperature is defined on page 7, lines 21-28 as the temperature that a blend of components change from solid to liquid, i.e., the melting temperature. In the Example, the heating of the mold is disclosed as sufficient to heat the mold to 500 degrees F., page 9, line 29, far in excess of the final melting temperature of the wax (170°F.).

It is believed that these specific instances of disclosure support the recitation, as the indicia coat is disclosed as melting at a temperature less than the molding temperature, which is from 350 degrees to 500 degrees F.

The examiner has also questioned whether the limitation that all successive coats melt below the molding temperature would be a “not enabling” limitation, based on the possibility that the indicia layer could be distorted upon removal of the carrier layer. Reconsideration of this position is also requested for the following reasons.

The specification discloses that the transfer is applied to the mold surface at the demolding temperature, which is typically from 90 degrees to 170 degrees, preferably from 110 degrees to 170 degrees F. (page 6, lines 9-11). In the Example, the demolding temperature is disclosed as 145 degrees F. At the demolding temperature, the top coat becomes adhesive and bonds the indicia coat to the mold

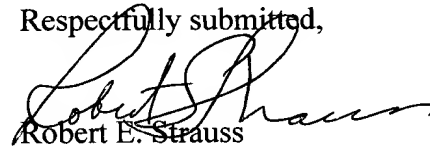
surface (page 6, lines 6-16). This adhesion precludes any distortion or weeping of the indicia coat during application of the transfer to the mold surface and removal of the carrier layer.

The Prior Art:

Since the examiner has not applied the prior art rejection to the claims as amended in the last response and since Applicants reasonably believe that the previous amendment is supported in the specification, no further comments on the prior art are submitted at this time.

In summary, the claims are of proper form and scope and, for the reasons set forth herein, are adequately supported by the specification. Examination and allowance are solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert E. Strauss", is written over the typed name.

Robert E. Strauss

(760) 773-0745

Reg. No. 19,364